

Message Text

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PAGE 01 TRIPOL 01609 01 OF 02 281539Z
ACTION NEA-10

INFO OCT-01 ISO-00 ONY-00 SS-15 /026 W
-----023352 281544Z /41 R
R 281450Z DEC 77
FM AMEMBASSY TRIPOLI
TO SECSTATE WASHDC 4987

C O N F I D E N T I A L SECTION 1 OF 2 TRIPOLI 1609

E.O. 11652: GDS
TAGS: EAIR, PORS, XF, LY
SUBJ: ADHERENCE TO TOKYO, HAGUE AND MONTREAL CONVENTIONS

REF: A) STATE 290399 B) NEA/RA LETTER PALMER/CARLE OF
DECEMBER 5, 1977

SUMMARY: REF MESSAGES SOUGHT SUGGESTIONS FOR SECURING WIDER
ADHERENCE TO TOKYO, HAGUE AND MONTREAL CONVENTIONS. LIBYA
IS APPARENTLY ALREADY MEMBER OF TOKYO AND MONTREAL CON-
VENTIONS. REASON FOR NON-ADHERENCE TO HAGUE CONVENTION
MAY BE WISH TO PRESERVE OPTION OF ACCEPTING FUTURE HI-
JACKERS, ALTHOUGH IT HAS NOT RECENTLY COMMITTED OFFENSE
IN THIS AREA. BELIEVE DIRECT U.S. APPROACH URGING
ADHERENCE WOULD BE COUNTERPRODUCTIVE AND APPROACHES MIGHT
BEST BE MADE BY NUMBER OF EUROPEAN COUNTRIES HAVING CIVIL
AIR TIES TO LIBYA AND STRONG INTEREST IN CONVENTIONS PRO-
VISIONS. END SUMMARY.

1. REFERENCED LETTER SOUGHT EMBASSY VIEWS ON HOW TO
SECURE LIBYAN ADHERENCE TO TOKYO, HAGUE AND MONTREAL
CONVENTIONS CONCERNING UNLAWFUL ACTS AGAINST CIVIL
AVIATION. ACCORDING TO MATERIAL FORWARDED WITH
LETTER, LIBYA IS ALREADY A MEMBER OF TOKYO AND MONT-
REAL CONVENTIONS, LEAVING ONLY HAGUE CONVENTION ON
WHICH MOVEMENT IS NEEDED.

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PAGE 02 TRIPOL 01609 01 OF 02 281539Z

2. WE ARE NOT AWARE OF LIBYA'S REASONS FOR ADHERING
TO TWO OF THESE CONVENTIONS, WHILE ABSTAINING FROM
ONE. IT MIGHT BE ARGUED THAT LIBYA DID NOT SEE ITS
FREEDOM OF ACTION GREATLY CIRCUMSCRIBED BY THE TOKYO
AND MONTREAL CONVENTIONS, BUT THAT IT WISHES TO PRE-
SERVE ITS OPTION OF OPENLY GIVING REFUGE TO CERTAIN
HIJACKERS IN THE FUTURE, AN OPTION WHICH IS FORE-

CLOSED BY HAGUE CONVENTION. DESPITE ITS GENERAL REPUTATION FOR TRANS-NATIONAL GANGSTERISM, LIBYA APPEARS TO HAVE DONE VERY LITTLE IN RECENT YEARS THAT WOULD CONSTITUTE VIOLATION OF HAGUE CONVENTION. REVIEW OF AVAILABLE RECORD FOR PAST THREE AND A HALF YEARS INDICATES ONE CLEAR VIOLATION, THE RELEASE TO PLO IN AUGUST 1974 OF PFLP TERRORISTS WHO HAD HIJACKED A JAL AIRCRAFT TO BENGHAZI. THERE MAY BE OTHER INSTANCES OF HIJACKERS FROM EARLIER PERIOD WHO ARE STILL AT LIBERTY IN THE COUNTRY. DURING THIS FALL'S JAL AND LUFTHANSA EPISODES, LIBYANS MADE CLEAR THEY DID NOT WANT THE AIRCRAFT LANDING IN LIBYA.

3. WE BELIEVE MOST PERSUASIVE ARGUMENT IN SEEKING LIBYAN ADHERENCE TO HAGUE CONVENTION WOULD BE THE ONE ABOUT ENHANCING COUNTRY'S IMAGE. COLONEL QADHAFI INSISTS THAT LIBYA DOES NOT SUPPORT TERRORISM, THAT NONE OF THE ALLEGATIONS AGAINST HIS REGIME HAVE BEEN PROVEN. BY ADHERING TO THE CONVENTION, LIBYA COULD BACK UP ITS LEADER'S ASSERTIONS AND DEMONSTRATE THAT IT IS NO LONGER AMONG THE OFFENDERS IN THE HIJACKING AREA. A DIRECT U.S. DEMARCHE TO THE LIBYANS ON THIS TOPIC PROBABLY WOULD NOT BE PRODUCTIVE, BUT IT WOULD DO NO HARM TO MAKE THE POINT IN LOW KEY IN THE COURSE OF OTHER DIS-

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PAGE 03 TRIPOL 01609 01 OF 02 281539Z

CUSSIONS AT THE FOREIGN OFFICE. AS LIBYA IS NOT ON GOOD SPEAKING TERMS WITH INFLUENTIAL REGIONAL POWERS (EGYPT, SAUDI ARABIA, IRAN) WHICH HAVE ADHERED TO THE TREATIES, THE MOST EFFECTIVE APPROACHES MIGHT BE MADE BY SOME OF THE EUROPEAN STATES WHICH HAVE A STRONG SUBSTANTIVE INTEREST IN THE MATTER AND WHOSE RELATIONS WITH LIBYA ARE USUALLY IN REASONABLY GOOD ORDER, E.G, FRG, SWITZERLAND, ITALY, UK, FRANCE. WE ASSUME THE BEST APPROACH WOULD BE IN TRIPOLI AT THE SENIOR FOREIGN OFFICE LEVEL.

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PAGE 01 TRIPOL 01609 02 OF 02 281546Z

ACTION NEA-10

INFO OCT-01 ISO-00 ONY-00 SS-15 /026 W

-----023415 281549Z /40 R

R 281450Z DEC 77

FM AMEMBASSY TRIPOLI

TO SECSTATE WASHDC 4988

C O N F I D E N T I A L SECTION 2 OF 2 TRIPOLI 1609

4. RE PROPOSAL A-5, WE HAVE CONSIDERED ATTEMPTING TO USE LIBYAN-DESIRED FAA TRAINING AS A PRESSURE POINT ON THIS ISSUE. THE LIBYANS HAVE SHOWN CONSIDERABLE INTEREST IN FAA TRAINING FOR VARIOUS SORTS OF TECHNICIANS, AND RECENTLY ASKED US FOR AIR TRAFFIC CONTROLLER TRAINING. WE DECLINED, REFERRING TO THE POOR STATE OF BILATERAL RELATIONS. WHILE DEPARTMENT MIGHT WISH TO CONSIDER AUTHORIZING US TO INFORM CIVIL AVIATION THAT SUCH TRAINING WILL BE AVAILABLE IF LIBYA ADHERES TO HAGUE CONVENTION, SUCH APPROACH WOULD PROBABLY NOT BE FRUITFUL SINCE SIMILAR TRAINING IS AVAILABLE IN UK AND CIVIL AVIATION HAS LITTLE INFLUENCE IN GOVERNMENT ON POLITICAL MATTERS. FURTHER, IF SUCCESSFUL, WE WOULD THEN BE COMMITTED TO LIBYAN TRAINING PROGRAM REGARDLESS OF STATE OF OVERALL U.S./LIBYAN RELATIONS AT THE TIME.

5. CONCERNING PROPOSAL B, WE DOUBT THAT USG PROGRAM TO ASSIST IN BEEFING UP SECURITY AT AIRPORTS WOULD ATTRACT MUCH INTEREST IN LIBYA. DURING DISCUSSIONS OF U.S. TRAINING FOR CIVIL AVIATION TECHNICIANS, LIBYANS HAVE SHOWN NO INTEREST IN SECURITY TRAINING. THERE IS IN ANY EVENT ADEQUATE SECURITY CHECKS ON ORDINARY PASSENGERS AT LIBYAN INTERNATIONAL AIRPORTS; THE PROBLEM IS WITH GROUPS OR INDIVIDUALS WHO ARE PURPOSELY LED AROUND THE CONFIDENTIAL

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PAGE 02 TRIPOL 01609 02 OF 02 281546Z

SECURITY CHECKS BY STATE AGENTS.

6. HAVING SAID THE ABOVE, WE MUST EXPRESS OUR DOUBT THAT A CAMPAIGN TO SECURE ADHERENCE TO THE THREE CONVENTIONS WILL BE AN ADEQUATE RESPONSE TO THE HIJACKING PROBLEM. OBTAINING ADHERENCE OF THE OFFENDER COUNTRIES COULD BECOME A YEARS-LONG PROCESS, AND FURTHER MONTHS OR YEARS MIGHT BE REQUIRED TO SEE WHETHER SUCH COUNTRIES WOULD OBSERVE THE TERMS OF THE CONVENTIONS AFTER HAVING JOINED.

WE MIGHT MORE PROFITABLY SPEND OUR TIME SEEKING TO ORGANIZE AN INTERNATIONAL BOYCOTT OF AVIATION TIES WITH COUNTRIES SUCH AS ALGERIA WHICH ACCEPT HIJACKED AIRCRAFT AND REFUSE TO EXTRADITE THE HIJACKERS. IT SHOULD NOT BE NECESSARY TO SEEK THE COOPERATION OF ALL COUNTRIES IN SUCH AN EFFORT. A SYSTEM WHEREBY THE U.S., CANADA, JAPAN AND THE NON-COMMUNIST COUNTRIES OF EUROPE WERE PREPARED TO PROMPTLY TERMINATE ALL AVIATION TIES WITH AN OFFENDING COUNTRY, AND WITH ALL COUNTRIES CONTINUING TO MAINTAIN AVIATION TIES WITH THE OFFENDING COUNTRY, MIGHT BE SUFFICIENT.

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRCRAFT HIJACKING, GOVERNMENT REACTIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Dec-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977TRIPOL01609
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770483-0518
Format: TEL
From: TRIPOLI
Handling Restrictions:
Image Path:
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Legacy Key: link1977/newtext/t19771210/aaaaahxo.tel
Line Count: 182
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: e5e520fb-c188-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 STATE 290399
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 102578
Secure: OPEN
Status: NATIVE
Subject: ADHERENCE TO TOKYO, HAGUE AND MONTREAL CONVENTIONS
TAGS: EAIR, PORS, XF, LY
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e5e520fb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009